

Message Text

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TAGS:UNGA, SHUM, SOCI

SUBJECT: 32ND UNGA--HUMAN RIGHTS TORTURE INITIATIVES: THE
U.S. AND DUTCH VERSIONS

REF: USUN 3237

1. WHILE THE DEPT AGREES THAT A QUESTIONNAIRE ON TORTURE
MAY TURN OUT TO BE THE ONLY COURSE OF ACTION POSSIBLE,
WE FEEL IT WOULD NOT BE AS EFFECTIVE AS THE ESTABLISHMENT
OF A WORKING GROUP OR SOME OTHER MECHANISM BEYOND MERE
INFORMATION-GATHERING. MISSION WILL RECALL THAT THE
GENERAL ASSEMBLY HAS PASSED REPEATED RESOLUTIONS CALLING
FOR FURTHER AND MORE EFFECTIVE EFFORTS TO COPE WITH AN
ALARMING INCREASE OF TORTURE, DESPITE AN EARLIER
QUESTIONNAIRE EFFORT.

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2. DEPT WOULD THEREFORE PREFER TO KEEP U.S. INITIATIVE
ALIVE FOR AS LONG AS POSSIBLE. WE CAN ALWAYS FALL BACK
TO THE QUESTIONNAIRE APPROACH AS THE BEGINNING OF A CONCE-
RTED INTERNATIONAL EFFORT TO EFFECTIVELY IMPLEMENT THE
UN RESOLUTIONS CALLING FOR AN END TO RESORT TO TORTURE
WHEN AND IF IT BECOMES CLEAR, AFTER CONCERTED EFFORTS,

THAT THE WORKING GROUP IDEA CANNOT BE ACHIEVED.

3. WHILE WE WOULD LIKE TO CONTINUE PRESSING FOR THE WORKING GROUP IDEA, WE SEE NO CONTRADICTION IN COOPERATING WITH THE DUTCH AT THE SAME TIME, SINCE THE WORKING GROUP AND THE QUESTIONNAIRE ARE COMPLEMENTARY CONCEPTS. THE DEPARTMENT'S VIEW IS THAT IF QUESTIONNAIRE IS TO BE THE PRINCIPAL INITIAL ACTION DEVICE IT IS IMPORTANT THAT IT BE DESIGNED TO BE A FRUITFUL EXERCISE IN SELF-EVALUATION FOR STATES AS WELL AS A USEFUL INFORMATION INTERCHANGE.

4. QUESTIONNAIRE SHOULD BE DESIGNED TO ELICIT THE INFORMATION NEEDED FOR COMPARISON OF THE EFFECTIVENESS OF DIFFERENT STRATEGIES AND POLICIES TO CONTROL TORTURE TO ALLOW SHARING OF THE BEST OF THE NEWER TECHNIQUES; FOR EXAMPLE, RECENT INNOVATIONS IN THE CONTROL OF "POLICE BRUTALITY" IN THE U.S. AND ELSEWHERE.

5. QUESTIONNAIRE SHOULD ALSO SPECIFICALLY COVER THE ACTIVITIES OF THE MILITARY AS WELL AS OF CIVILIAN AUTHORITIES AND ALL OTHER POLICE FORCES SINCE IN SOME COUNTRIES THE TORTURE PROBLEM LODGES PRIMARILY WITH THE MILITARY.

6. THE QUESTIONS LISTED IN DUTCH DRAFT NEED SHARPENING LIMITED OFFICIAL USE

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AND SUPPLEMENTING TO ACHIEVE OUR AIMS. FOR EXAMPLE, SPECIFIC DATA COULD BE GATHERED ON INSTITUTIONAL PROCEDURES AND ON NUMBERS OF CASES OF TORTURE REPORTED TO AUTHORITIES. THUS, A LINE OF QUESTIONS LIKE THE FOLLOWING MIGHT BE DEVELOPED: WHAT ADMINISTRATIVE AND JUDICIAL PROCEDURES HAVE BEEN ESTABLISHED BY WHICH ALLEGATIONS OF TORTURE CAN BE SAFELY COMMUNICATED TO AUTHORITIES? WHAT FOLLOW-UP PROCEDURES FOR HANDLING SUCH REPORTS EXIST? WHAT PROVISIONS FOR APPEAL OR REVIEW EXIST? HOW MANY ALLEGATIONS OF TORTURE PER YEAR HAVE BEEN PRESENTED TO THE AUTHORITIES IN EACH OF THE LAST THREE YEARS? WHAT ADMINISTRATIVE ACTIONS OR RESPONSES WERE UNDERTAKEN AS A RESULT OF THESE ALLEGATIONS AND PROCEEDINGS?

7. REQUEST USUN DISCUSS FOREGOING WITH DUTCH DEL WITH A VIEW TO EXPANDING QUESTIONNAIRE ALONG LINES SUGGESTED.

8. ASSUMING A SATISFACTORY QUESTIONNAIRE CAN BE WORKED OUT AS A FIRST STEP IN THE DESIGN OF INTERNATIONAL ACTION FOR THE EFFECTIVE IMPLEMENTATION OF THE RESOLUTIONS AGAINST TORTURE, DEPT NEEDS TO KNOW WHETHER U.S. WOULD JOIN AS A CO-SPONSOR OF DUTCH DRAFT RESOLUTION.

DEPT VIEW IS THAT IF U.S. APPROACH IS TO BE MELDED WITH
DUTCH APPROACH, U.S. MUST APPEAR AS CO-SPONSOR FROM
BEGINNING. IF DUTCH SHOULD PREFER THAT U.S. NOT
CO-SPONSOR, OR NOT UNTIL A LATER STAGE, DEPT WOULD IN
THAT EVENT PREFER THAT US DEL PROCEED WITH ORIGINAL
U.S.-SPONSORED RESOLUTION. OUR CONCERN IS THAT BECAUSE
OF THE PROMINENCE U.S. SPOKESMEN HAVE RECENTLY GIVEN THE
TORTURE ISSUE AND OUR IDEAS FOR DEALING WITH IT,
CONSIDERATION OF TORTURE ISSUE AT 32ND UNGA SHOULD NOT
BEGIN WITH U.S. ASSUMING A BACK SEAT POSTURE. CHRISTOPHER

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